

**Amendments to the Drawings**

The attached sheets of drawings include changes to Figs. 1, 4 and 6. These sheets, which include Figs. 1, 4 and 6, replace the original sheets including Figs. 1, 4 and 6.

Attachments: Replacement Sheets  
Annotated Sheets Showing Changes

**REMARKS**

Applicant has carefully reviewed the Examiner's Office Action dated July 14, 2005, in which the Examiner has requested minor corrections to the Specification because of informalities therein, and has objected to the drawings as failing to comply with 37 CFR 1.84(p)(5).

The Examiner has also rejected claims 1, 6, 8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and has rejected claim 6 under 35 U.S.C. 102(b) as being clearly anticipated by Applicant's disclosed prior art. In addition, claims 1-5 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosed prior art in view of Roberts (USP 4,151,681), and has rejected claims 7-10 under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosed prior art in view of Canfield (USP 5,210,888).

**Amendments to the Drawings**

Figs. 1, 4 and 6 have been amended to overcome the Examiner's objections to the drawings without adding any new matter and in full compliance with the statutory requirements of 37 CFR 1.84(p)(5). A reference number 50 has added to Figure 1 and reference numbers 60 and 62b have been added to Figure 4. Also, reference numbers 156 and 158 have been added to Figure 6 to correspond with Figure 5. The insulated wall 16 is shown in Figure 3.

Accordingly, the rejection to the drawings should be withdrawn.

**Amendments to the Specification**

The Specification has been amended in accordance with the Examiner's suggestions and/or to overcome the objection to the drawings. In addition, certain paragraphs of the Specification have been rewritten to remove typographical or grammatical errors therein.

**Amendments to the Claims Based Upon 35 USC 112**

Claims 1, 6 and 8 have been amended to overcome the rejection under 35 USC 112 which should now be withdrawn.

**Rejections Under 35 U.S.C. 102(b)**

The rejection of claim 6 under 35 USC 102(b) is respectfully traversed.

Applicant wishes to direct the Examiner's attention to MPEP § 2131 which states that to anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."Verdegaal bros.v. Union Oil co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 9fed. cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim."Richardson v. Suzuki Motor co., 868 f.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed cir.1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e.,

identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (fed. cir. 1990).”

By way of review, the present invention, as defined in the amended claim 6, is directed to a food preparation table which is capable of covering or exposing a pan holder with comparatively less force. This food preparation table as provided includes a pair of first hinge axles and a pair of second hinge axles. The pair of first hinge axles is closer to a center portion of each of the covers than the pair of second hinge axles. The first and the second hinge axles are slidably engaged with two brackets. In particular, the brackets include a slanted guide surface for guiding one of the first axles.

On the other hand, although Applicant's disclosed prior art discloses a slanted guide surface (Fig. 2, #46), the slanted guide surface of the prior art guides one of the second axles not one of the first axles as claimed.

The one guide surface on which the second hinge axles are slidably engaged only supports the second hinge axles. In contrast, another guide surface on which the first hinge axles are engaged slidably guides the first hinge axles and, consequently, guides the movement of the cover. That is, the slant of the guide surface on which the second hinge axles slide does not affect the movement of the cover. Therefore, the claimed arrangement is totally different from Applicant's disclosed prior art.

**Rejections under 35 U.S.C. 103(a)**

The rejection of claims 1-5 as well as claims 7-10 under 35 USC 103(a) is respectfully traversed.

Applicant wishes to direct the Examiner's attention to MPEP § 2143 regarding the basis requirements for a *prima facie* case based on obviousness. This section states that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all of the claimed limitations.

Moreover, the teaching or suggestion needed to combine the references and the criteria of a reasonable expectation of success must be found in the prior art, not in Applicant's disclosure. In re *Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (fed.cir.1991).

Section 2143.03 states that all claim limitations must be taught or suggested by the prior art. See In re *Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a Claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any

claim depending therefrom is nonobvious. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.1998).

The present invention as defined in claim 1 is directed to a food preparation table which is capable of simplifying its hinge axle assembling process and reducing its manufacturing cost. The food preparation table includes covers with each cover having a pair of plates. Each of the plates has a pair of openings and is attached on one of two opposite side of the cover. In particular, the first and the second hinge axles are fixedly inserted into the openings of the plates and the openings of the opposite sides of the cover.

In contrast, Roberts '681 discloses anchor plates which serve to mount a hinge pin socket at each corner of the door. The sockets extend into opposed lateral sides of the cabinet door in corresponding locations to mount hinge pin assemblies secured to the cabinet. However, the hinge pin socket, not the hinge pin itself, is mounted to the anchor plates. In addition, there is only one opening into which the hinge pin socket is inserted.

The assembly and structure of Roberts '681 is complex because of the need for a hinge pin socket which is not used in the assembly of the present invention. As a result, Roberts '681 and Applicant's disclosed prior art do not disclose or teach a pair of openings into which first and the second hinge axles are fixedly inserted and neither teach the insertion of hinge pins directly into the openings of the plates.

Accordingly, none of the references disclose or suggest the above features of claim 1. As such, no basis exist for combining the references. Consequently, this ground of rejection is unsustainable and should be withdrawn.

It is also believed that the rejection of claims 2-5, which depend from claim 1 is unsustainable and should be withdrawn for the same reasons indicated above with respect to the amended claim 1. Moreover, the additional features recited in claims 2-5, when taken alone and/or in combination with the features recited in the amended claim 1, also distinguish these claims from the disclosures in the cited references.

In regard to claims 7-10, Canfield fails to disclose a guide surface which is inclined at a slant. The present invention provides for a slanted guide surface to cover or expose a pan holder with comparatively less force, and to prevent the cover from colliding with the upper portion of the pan holder when accidentally dropped when in the opened state. The guide surface of Canfield is curved and is aligned substantially vertical. Accordingly, Canfield cannot be expected to achieve the advantages of the slanted guide surface in claims 7-10.

Accordingly, none of the references disclose or suggest the features recited in claims 7-10 and, as such, no basis exists for combining the references. Consequently, this ground of rejection is unsustainable and should be withdrawn.

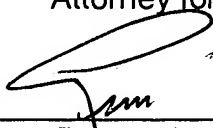
It is also believed that the rejection of claim 11, which depends from claim 10, is unsustainable and should be withdrawn for the same reasons indicated above. Moreover, the additional features recited in claim 11 which, when taken alone and/or in combination with the features recited in the claim 10, further remove the invention from the teaching of the cited references.

### **CONCLUSION**

Applicant believes that this is a full and complete response to the Office Action. For the reasons discussed above, Applicant respectfully submits that all of the pending claims are in complete condition for allowance. Accordingly, it is respectfully requested that the Examiner's rejections be withdrawn and that claims 1-11 be allowed. If the Examiner feels that any issues remain which require further discussion, the Examiner is invited to contact the undersigned attorney of Applicant to resolve the issues.

Reconsideration and allowance of claims 1-11 is respectfully solicited.

Dated: October 14, 2005

Respectfully submitted  
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By:   
Eugene Lieberstein  
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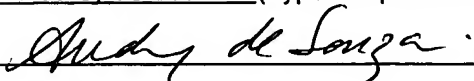
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### **CERTIFICATE OF MAILING**

I hereby certify that this Amendment is being deposited with the United States Postal Service via First Class Mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 14, 2005.

Audrey de Souza (Typed or printed name of person mailing paper or fee)

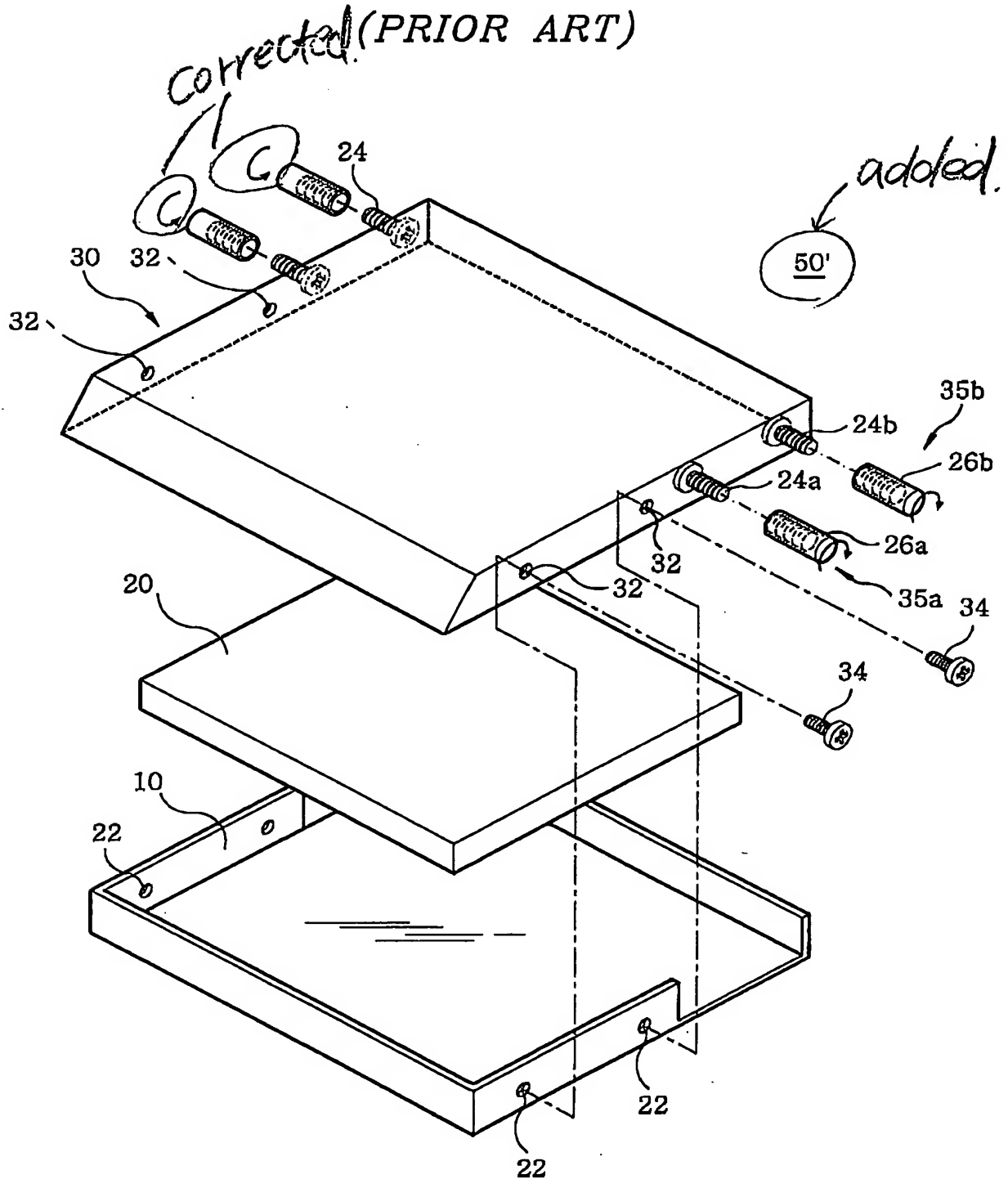
 (Signature of person mailing paper or fee)



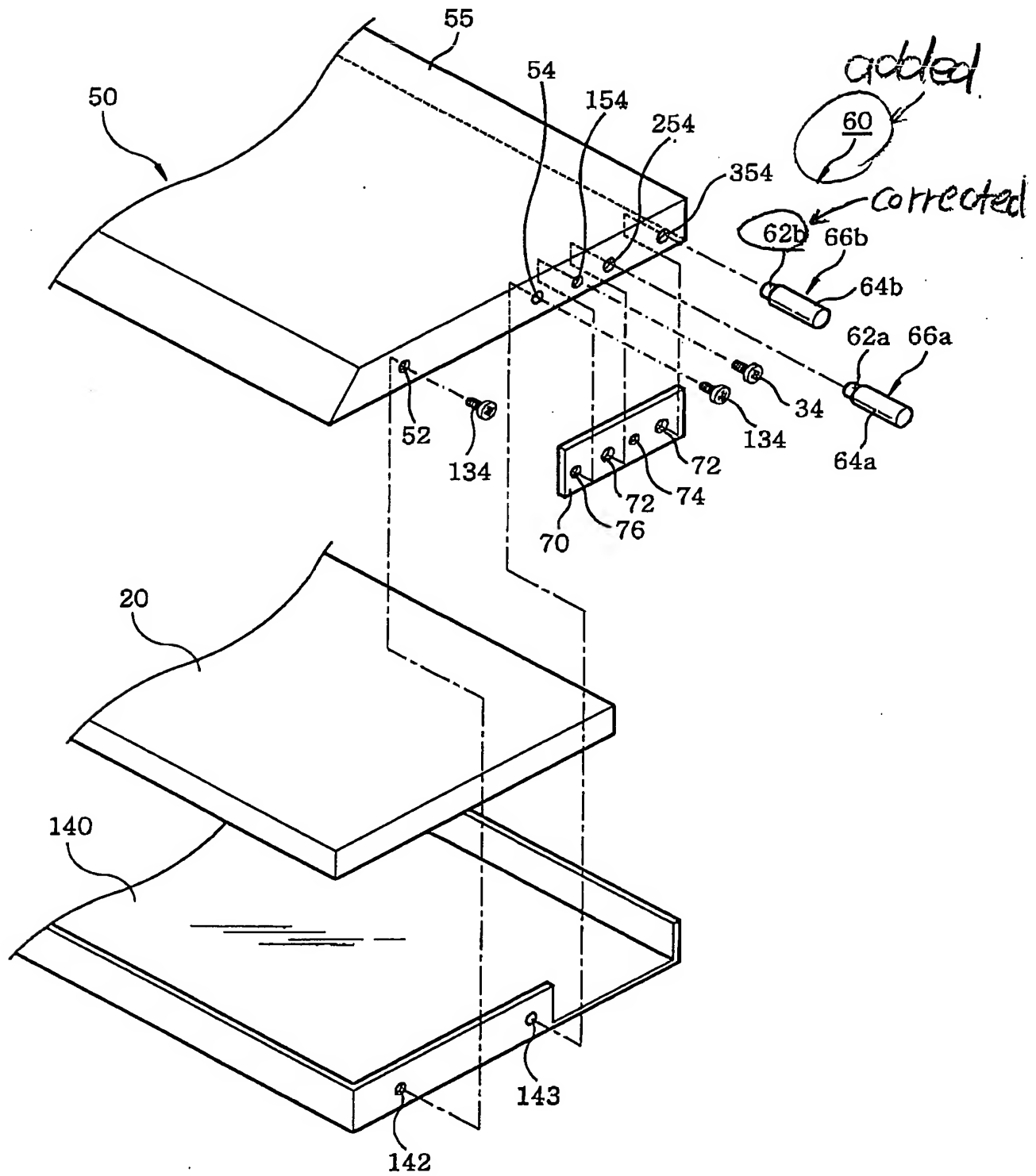


**FIG. 1**

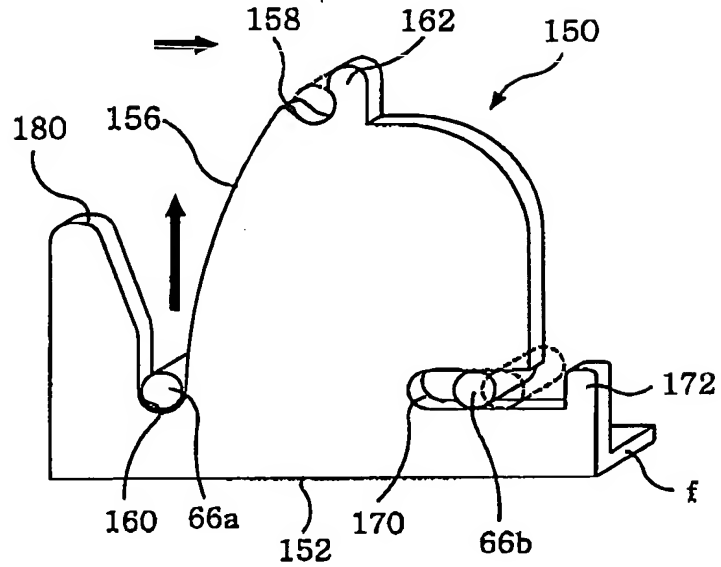
(PRIOR ART)



**FIG. 4**



**FIG. 5**



**FIG. 6**

